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A34907-PCT-USA; 066031.0168
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Elazar Sonnenschein et al.

Serial No.: TBA

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PRELIMINARY AMENDMENT

I hereby certify that this paper is being deposited with the United States Postal Service as Express Mail No. ET 544 763 291 US addressed to: Commissioner for Patents and Trademarks, Washington, D.C. 20231

December 31, 2001

Date of Deposit

Rochelle K. Seide

Attorney Name

Rochelle K. Seide
Signature

32,300

PTO Registration No.

December 31, 2001

Date of Signature

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

Applicants requests entry of the following amendments prior to examination of the above-identified application on the merits.

IN THE CLAIMS

Please amend Claims 5, 17, 28 and 36 as follows:

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5. (AMENDED) A device according to Claim 2, wherein the alignment and/or locking members can be extended and retracted from the portion of the stapling device in which they are stored.

17. (AMENDED) A device according to Claim 1, wherein the flexible portion is an articulation section.

28. (AMENDED) A device according to Claim 27, wherein the staple cartridge contains windows for assisting in locking the staple cartridge in position after indexing.

36. (AMENDED) An endoscopic device comprising a stapling assembly according to Claim 1.

REMARKS

Applicants requests entry of the instant amendment prior to examination of the above-identified patent application on the merits.

Claims 1-41 were presented in the PCT application (PCT/IL01/00719) as originally filed. Claims 5, 17, 28 and 36 have been amended to remove multiple dependencies.

Attached hereto is a marked-up version of the changes made by the instant amendment. The attached page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE" and is only included for the Examiner's convenience. Should any discrepancies be discovered, the version presented in the preceding "IN THE CLAIMS" section shall be deemed to be correct.

The Commissioner is hereby authorized to charge any fees due with this submission not otherwise included with this submission to Deposit Account No. 02-4377. Please credit any overpayment of fees associated with this filing to the above-identified deposit account. A duplicate of this page is enclosed.

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the following sections, added text is marked with single underlining, e.g. added text, and deleted text is marked by a single strikethrough, e.g. ~~deleted text~~.

IN THE CLAIMS

Claims 5, 17, 28 and 36 has been amended as follows:

5. (AMENDED) A device according to ~~any one of~~ Claims 2 ~~to~~ 4, wherein the alignment and/or locking members can be extended and retracted from the portion of the stapling device in which they are stored.

17. (AMENDED) A device according to ~~any one of~~ Claims 1 ~~to~~ 16, wherein the flexible portion is an articulation section.

28. (AMENDED) A device according to Claim 25 ~~and claim~~ 27, wherein the staple cartridge contains windows for assisting in locking the staple cartridge in position after indexing.

36. (AMENDED) An endoscopic device comprising a stapling assembly according to ~~any one of~~ Claims 1 ~~to~~ 35.